

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No. 10007

Application of:

REED, MIKE et al.

Group Art Unit: 2167

Serial No. 10/055,828

Examiner: RAYYAN, SUSAN F.

Filed: October 26, 2001

For: **DETERMINING CUSTOMER FEEDBACK**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**BRIEF ON APPEAL**

Sir:

This is an Appeal Brief in furtherance of the Notice of Appeal filed on November 10, 2008. In light of this Brief, Applicant asks the Board of Patent Appeals and Interferences to reconsider this application.

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CERTIFICATION OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on \_\_\_\_\_.

By: \_\_\_\_\_  
Name: \_\_\_\_\_

**(I) REAL PARTY IN INTEREST**

The present application is assigned to Teradata US, Incorporated.

**(II) RELATED APPEALS AND INTERFERENCES**

There are currently no known active appeals or interferences related to the present application.

**(III) STATUS OF CLAIMS**

The above-identified patent application was filed on October 26, 2001 with original claims 1 through 32. Claim 19 has been cancelled. Claims 1-18 and 20-32 were finally rejected in an Official Action dated July 11, 2008. The final rejection of claims 1-18 and 20-32 is being appealed.

Copies of the claims in their current form are provided in the Claims Appendix (section VIII) of this Appeal Brief.

**(IV) STATUS OF AMENDMENTS**

The U.S. Patent and Trademark Office issued a Final Official Action in the prosecution of the present application on July 11, 2008. In response to this Action, Applicant filed a Notice of Appeal on November 10, 2008.

**(V) SUMMARY OF CLAIMED SUBJECT MATTER**

Claim 1

Claim 1 recites a method executable by an automated system without requiring intervention by a human user, comprising:

associating values with a plurality of predefined words (see, e.g., Application, pgs. 6-7, paragraphs 0030-0032; Figure 4);

receiving customer feedback in the form of textual comments that originate with a human customer of an enterprise (see, e.g., Application, pg. 9, paragraph 0044; Figure 5, step 302);

comparing words in the customer feedback with said predefined words (see, e.g., Application, pg. 9, paragraph 0045; Application, pgs. 7-8, paragraphs 0034-0039; Figure 5, step 310);

generating an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words (see, e.g., Application, pg. 9, paragraph 0045; Figure 5, step 310); and

presenting said indication to a customer representative for said enterprise (see, e.g., Application, pg. 9, paragraph 0045; Figure 5, step 312).

#### Claim 14

Claim 1 recites an article comprising at least one storage medium containing instructions that when executed cause an automated system, without requiring intervention by a human user, to:

compare words in customer feedback received in the form of textual comments that originate with a human customer of an enterprise with a plurality of predefined words, each one of said predefined words having a value associated therewith (see, e.g., Application, pg. 9, paragraphs 0044-0045; Application, pgs. 7-8, paragraphs 0034-0039; Figure 5, steps 302-310);

generate an indication to rate the customer feedback based on an identification of at least one word in said customer feedback as equivalent

to one of said predefined words and the value of said equivalent one of said predefined words (see, e.g., Application, pg. 9, paragraph 0045; Figure 5, step 310); and

presenting said indication to a customer representative for said enterprise (see, e.g., Application, pg. 9, paragraph 0045; Figure 5, step 312).

#### Claim 25

Claim 25 recites an automated system comprising:

one or more storage modules to store rating data associating a list of predefined words with respective values (see, e.g., Application, pg. 9, paragraph 0045; Figure 2, storage modules 124); and

a controller adapted to compare words in customer feedback received in the form of textual comments that originate with a human customer of an enterprise, to generate an indication to rate the customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words, and to present said indication to a customer representative for said enterprise (see, e.g., Application, pgs. 7-9, paragraphs 0034-0046; Figure 2, elements 140 and 142).

#### **(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Pursuant to the July 11, 2008 Final Office Action, claims 1, 14-16, 18, 20-22 and 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Register et al. (U.S. Patent No. 5,371,807) and Kesel (U.S. Patent No. 6,026,387). Claims 2-7, 12, 13, 23, 27, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Register et al. and Kesel in view of Kriens et al. (U.S. Patent

No. 5,864,862). Claims 8-9 and 29-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Register et al. and Kesel in view of Kriens et al. and further in view of Trout (U.S. Patent No. 5,566,349). Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Register et al. and Kesel in view of Kriens et al. and further in view of Bossemeyer, Jr. et al. (U.S. Patent No. 6,510,427). Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Register et al. and Kesel in view of Chase (U.S. Patent No. 6,332,143).

The rejections of claims 1-18 and 20-32 under 35 U.S.C. §103(a) are being appealed.

## **(VII) ARGUMENT**

### Rejection of claims 1-18 and 20-32 under 35 U.S.C. §103 (a)

The rejections of claims 1-18 and 19-32 under 35 U.S.C. §103(a) are respectfully traversed. To establish a *prima facie* case of obviousness, at least the following requirements must be met: (1) the references when combined must teach or suggest all elements of the claimed subject matter; (2) there must be some motivation, suggestion or teaching to combine the references; and (3) there must be, within the references, a reasonable expectation of success. *See* M.P.E.P. § 2143 (8<sup>th</sup> ed., Rev. 2), at 2100-129. The Office has not established a *prima facie* case of obviousness because these requirements have not been satisfied. The cited references do not teach or suggest all elements of the claimed subject matter.

Independent claim 1 recites a method executable by an automated system without requiring intervention by a human user, comprising:

associating values with a plurality of predefined words;  
receiving customer feedback in the form of textual comments that originate with a human customer of an enterprise;

comparing words in the customer feedback with said predefined words;  
generating an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words; and  
presenting said indication to a customer representative for said enterprise.

Column 5, lines 38-50 of Register et al. was cited as teaching the step of “associating values with a plurality of predefined words.” Column 2, lines 35-40, and column 5, lines 34-50 of Register et al. were cited as teaching the step of “comparing words in the customer feedback with said predefined words.” Column 5, lines 48-62 of Register et al. was cited as teaching the step of “generating an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words.”

Column 1, lines 9-11, and Figure 3 of Kesel were cited as teaching the step of “receiving customer feedback in the form of textual comments that originate with a human customer of an enterprise.”

It is not seen that Register et al., Kesel, or any of the other cited references teach or suggest, singularly or in combination, the steps of “associating values with a plurality of predefined words” or “generating an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words.” Column 5, lines 34 through 61 of Register et al., which was cited as teaching these limitations, is provided below:

The list of recognized keywords extracted from the input text passed to the similarity measuring module 36 is used to calculate a numeric similarity score for each predefined category. Each score indicates how similar a given category is to the input text. The similarity measuring module 36 uses a knowledge base of keyword/category profiles 56 to determine the similarity score. Each category in the knowledge base of keyword/category profiles 56 has an associated profile. The profile tells the similarity measuring module 36 which keywords provide evidence for the given category. Associated with each keyword in a profile is a numeric weight called a "profile weight" that tells the similarity measuring module 36 the amount of evidence a keyword provides for the given category. The module 36 determines profile weights and combines the profile weights to arrive at similarity scores for all the categories. Once the similarity scores have been calculated, a dynamic threshold is applied to all of the categories defined in the domain specific knowledge base 20. Those categories whose similarity scores are below the threshold are discarded from consideration as being potentially most similar to the input text. The categories whose similarity scores are above the threshold are compiled into a list and are passed to the next module or directly to the external application 24 (not shown), along with the list of extracted keywords and the list of deduced facts, if there are any.

The excerpt from Register et al. provided above describes the operation of a portion of the text classification system illustrated in Figure 3. The system includes a similarity measuring module 36 that receives a list of recognized keywords and, utilizing a knowledge base of keyword/category profiles 56, calculates similarity scores for each

predefined category. Associated with each keyword is a numeric weight, referred to as a “profile weight” that tells the similarity module the amount of evidence a keyword provides for a given category. It is not seen that the system described in Register et al. associates values with a plurality of predefined words. Neither the similarity scores nor profile weights discussed in Register et al. are believed to be equivalent to the values associated with predefined words recited in claim 1. Additionally, neither the similarity scores nor profile weights of Register et al. provides “an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words *and the value of said equivalent one of said predefined words.*”

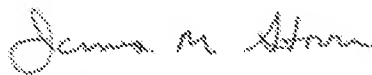
It is accordingly believed that claim 1 recites an invention which is patentable over the cited references. As discussed above, it is not seen that Register et al., Kesel, or any of the other cited references teach or suggest, singularly or in combination, the steps of associating values with a plurality of predefined words; and generating an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words.

Independent claims 14 and 25 each include limitations similar to those of claim 1, described above. Accordingly claims 14 and 25 are also believed patentable over the cited references. The remaining claims in the present application depend from, and further limit the inventions recited in claims 1, 14 or 25, and are therefore also patentable over the cited references.



In view of the foregoing, it is believed that the application, including claims 1-18 and 20-32, is in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James M. Stover", written in dark ink.

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**(VIII) CLAIMS APPENDIX**

1. A method executable by an automated system without requiring intervention by a human user, comprising:
  - associating values with a plurality of predefined words;
  - receiving customer feedback in the form of textual comments that originate with a human customer of an enterprise;
  - comparing words in the customer feedback with said predefined words;
  - generating an indication to rate said customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words; and
  - presenting said indication to a customer representative for said enterprise.
2. The method of claim 1, further comprising defining a user-defined data type having one or more data structures for storing said predefined words and associated values.
3. The method of claim 2, wherein the one or more data structures comprise an array of the predefined words and associated values.
4. The method of claim 2, further comprising invoking a first routine associated with the user-defined data type to load the predefined words and respective values in the one or more data structures.

5. The method of claim 4, further comprising invoking a second routine associated with the user-defined data type to calculate a score based on the identification of at least one word in the customer feedback as equivalent to one of said predefined words contained in the one or more data structures and the value of said equivalent one of said predefined words,

wherein generating the indication is based on the score.

6. The method of claim 5, wherein invoking the first and second routines comprises invoking functions associated with the user-defined data type.

7. The method of claim 2, further comprising storing the one or more data structures in a first relational table.

8. The method of claim 7, further comprising storing customer feedback in a second relational table,

wherein generating the indication is based on performing a join of the first and second relational tables.

9. The method of claim 7, further comprising distributing the relational table across plural access modules.

10. The method of claim 2, wherein receiving the customer feedback comprises receiving the customer feedback in electronic mail.

11. The method of claim 2, wherein receiving the customer feedback comprises receiving customer-entered feedback at a web server.

12. The method of claim 2, wherein receiving the customer feedback comprises translating voice feedback to text feedback.

13. The method of claim 2, wherein receiving the customer feedback comprises receiving the customer feedback in a database system.

14. An article comprising at least one storage medium containing instructions that when executed cause an automated system, without requiring intervention by a human user, to:

compare words in customer feedback received in the form of textual comments that originate with a human customer of an enterprise with a plurality of predefined words, each one of said predefined words having a value associated therewith;

generate an indication to rate the customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words; and

presenting said indication to a customer representative for said enterprise.

15. The article of claim 14, wherein the instructions when executed cause the system to generate the indication by generating an indication of customer satisfaction or dissatisfaction.

16. The article of claim 14, wherein the instructions when executed cause the system to generate the indication by generating an indication of customer approval or disapproval.

17. The article of claim 14, wherein the instructions when executed cause the system to generate the indication by generating an indication of customer emotion.

18. The article of claim 14, wherein the instructions when executed cause the system to store rating data according to a user-defined data type, the rating data associating said predefined words with respective values.

19. (Cancelled)

20. The article of claim 18, wherein the instructions when executed cause the system to store a negative value for a predefined word having a negative connotation and a positive value for a predefined word having a positive connotation in the rating data.

21. The article of claim 20, wherein the instructions when executed cause the system to store modifier values for adjectives to increase the positive and negative values of the words.

22. The article of claim 18, wherein the instructions when executed cause the system to invoke a first routine to generate the indication.

23. The article of claim 22, wherein the instructions when executed cause the system to invoke the first routine by invoking a function associated with the user-defined data type.

24. The article of claim 22, wherein the instructions when executed cause the system to invoke a second routine to load the rating data into a relational table.

25. An automated system comprising:  
one or more storage modules to store rating data associating a list of predefined words with respective values; and  
a controller adapted to compare words in customer feedback received in the form of textual comments that originate with a human customer of an enterprise, to generate an indication to rate the customer feedback based on an identification of at least one word in said customer feedback as equivalent to one of said predefined words and the value of said equivalent one of said predefined words, and to present said indication to a customer representative for said enterprise.

26. The system of claim 25, the one or more modules to store the rating data in a first relational table.

27. The system of claim 26, the one or more modules to store the rating data as a user-defined data type in the first relational table.

28. The system of claim 27, the one or more storage modules to store the customer feedback in a second relational table.

29. The system of claim 28, wherein the controller is adapted to perform a join of the first and second relational tables to perform the comparison.

30. The system of claim 29, wherein the controller comprises a first routine to perform the comparison.

31. The system of claim 30, wherein the first routine is a function associated with the user-defined data type.

32. The system of claim 30, wherein the controller further comprises a second routine to load the rating data.

**(IX) EVIDENCE APPENDIX**

Not applicable



**(X) RELATED PROCEEDINGS APPENDIX**

Not applicable